

9200/2819

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re Application of Atty. Docket

ANTONIUS A.C.M. KALKER ET AL

NL000101

Serial No. 09/817,095

Group Art Unit: 2819

Filed: MARCH 26, 2001

Examiner:

Title: A METHOD FOR ENCODING A STREAM OF BITS OF A BINARY SIGNAL
INTO A STREAM OF BITS OF S BINARY CHANNEL SIGNAL

Commissioner for Patents

Mail Stop: Petitions

Alexandria, VA 22313

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO TIMELY REPLY TO THE NOTICE TO FILE MISSING
PARTS UNDER 37 CFR §1.181(a)

Sir:

Applicants request that the Patent and Trademark Office withdraw the Notice of Abandonment that issued on December 17, 2003 (attached as Exhibit A) in this patent application for failure to timely reply to the NOTICE TO FILE MISSING PARTS dated May 9, 2001.

In the Notice, U.S. Patent Application No. 09/817,095 was stated to be abandoned for failure to timely for properly reply to the NOTICE TO FILE MISSING PARTS mailed on May 9, 2001.

Specifically, on May 24, 2001, in response to the NOTICE TO FILE MISSING PARTS dated May 9, 2001, Applicants submitted to the Patent and Trademark Office a Response to the NOTICE TO FILE MISSING PARTS containing a certificate of mailing; a fully executed Declaration; and a copy of the notice - Part 2-Copy to be Returned with Response (all attached as Exhibit B).

The Certificate of Mailing on the Response certifies that the Response to the Notice to File Missing Parts was properly mailed on May 24, 2001. The mailing date of May 24, 2001 is well within the two months permitted to respond to the Notice to File Missing Parts. Thus, the proper form and response were timely mailed as permitted by 37 C.F.R. 1.8(a).

The acknowledgment of receipt postcard (attached as Exhibit C) bears a Patent and Trademark Office mailroom stamp imprinted on it indicating that the documents were received by the Patent and Trademark Office mailroom on May 29, 2001.

It is respectfully requested that the Response to Notice to File Missing Parts that was mailed on May 9, 2001 be considered timely received and accordingly the above-identified application is now complete.

The Applicants have made a diligent and sincere effort to clearly set out the facts and circumstances surrounding this matter and firmly believe that a sufficient showing is made thereby for an immediate allowance of this Petition and notice to this effect is earnestly solicited.

Accordingly, it is requested that the Notice of Abandonment dated December 17, 2003 be withdrawn, the executed Declaration be entered, and the status of the above-identified application be changed from abandoned to pending.

If there are any difficulties regarding this matter, it is requested that the undersigned be contacted at the telephone number indicated below.

Respectfully submitted,

By Michael E. Belk
Michael E. Belk, Reg. 33,357
Attorney
(914) 333-9643

Encl.:

- Exhibit A: Copy of Notice of Abandonment dated December 17, 2003
- Exhibit B: Copy of Response to NTFMP dated May 24, 2001 Including the executed Declaration
- Exhibit C: Copy of acknowledgment of receipt Post Card

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:
COMMISSIONER FOR PATENTS
Alexandria, VA 22313

On January 16, 2004

By Noemi Chgoe



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/817,095	03/26/2001	Antonius Adrianus Cornelis Maria Kalker	NL 000101

CONFIRMATION NO. 7725

ABANDONMENT/TERMINATION
LETTER

OC000000011512555

24737
 PHILIPS INTELLECTUAL PROPERTY & STANDARDS
 P.O. BOX 3001
 BRIARCLIFF MANOR, NY 10510

Date Mailed: 12/17/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/09/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/817,095	03/26/2001	Antonius Adrianus Cornelis Maria Kalker	NL 000101

CONFIRMATION NO. 7725

FORMALITIES LETTER



OC000000006056013

U.S. Philips Corporation
580 White Plains Road
Tarrytown, NY 10591

Date Mailed: 05/09/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

AM
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re Application of Atty. Docket

ANTONIUS A.C.M. KALKER ET AL

NL000101

Serial No. 09/817,095

Group Art Unit:2819

Filed: MARCH 26, 2001

Title: METHOD FOR ENCODING A STREAM OF BITS OF A BINARY SOURCE
SIGNAL INTO A STREAM OF BITS OF A BINARY CHANNEL SIGNAL

Commissioner for Patents, Washington, D.C. 20231

ATTENTION: APPLICATION DIVISION

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF
APPLICATION mailed on May 9, 2001, enclosed is a Declaration,
properly signed by the Applicants and referring to the above case
by its Serial Number and filing date, in compliance with 37 CFR
1.63, and a copy of the Notice. Accordingly, the above-identified
patent application is now complete.

Please charge Deposit Account No. 14-1270 in the
amount of \$130.00 for the surcharge for filing the Declaration on a
date later than the filing date of the application, as set forth in
37 CFR 1.16(e).

Respectfully submitted,

By Michael E. Belk
Michael E. Belk, Reg. 33,357
Attorney
(914) 333-9643

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date
with the United States Postal Service as first-class mail in an envelope addressed to:
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

BK MAY 24 2001

On MAY 24, 2001

By Naemi Chgoe

F:\WPDOCS\BE\MG17BEH0.NC0.doc

Box: mp

DOCKET NO. NL000101 DIV. BELK SER. NO. 09/817,095

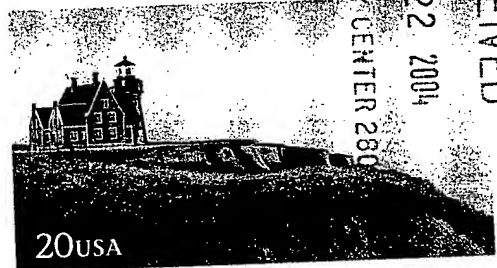
PLEASE DATE STAMP AND RETURN TO
ACKNOWLEDGE RECEIPT OF NOTED DOCUMENTS

RESPONSE TO NOTICE TO FILE
MISSING PARTS

Application	<input type="checkbox"/>	Amendment	<input type="checkbox"/>
_____ Pages of		Issue Fee	<input type="checkbox"/>
spec., claims & abs.		Notice of Appeal	<input type="checkbox"/>
Con. Doc.	<input type="checkbox"/>	Extension	<input type="checkbox"/>
Drawings	Inf. <input type="checkbox"/>	Mailing Cert	<input checked="" type="checkbox"/>
No. Sh.	For. <input type="checkbox"/>	Assignment	<input type="checkbox"/>
Power of Att.	<input type="checkbox"/>	Decl. - signed	<input checked="" type="checkbox"/>
MLG. Date <u>MAY 24, 2001</u>		- unsigned ...	<input type="checkbox"/>



US Philips Corporation
580 White Plains Road
Tarrytown, NY 10591-5190



U.S. PHILIPS CORPORATION

PATENT DEPARTMENT

580 White Plains Road

Tarrytown, N.Y. 10591-5190



DECLARATION and POWER OF ATTORNEY

ATTORNEY'S DOCKET NO.:
PHNL000101 US

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
"A method for encoding a stream of bits of a binary source signal into a stream of bits of a binary channel signal"
the specification of which (check one)

☐ is attached hereto.

☒ was filed on March 26, 2001 as Application Serial No. 09/817095 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY	APP. NUMBER	DATE OF FILING (DATE, MONTH, YEAR)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
Europe	00201144.3	30 March 2000	YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PRIOR UNITED STATES APPLICATION(S)

APPLICATION SERIAL NUMBER	FILING DATE	STATUS (PATENTED, PENDING, ABANDONED)

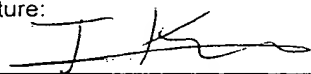
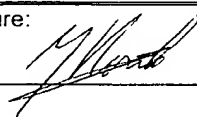
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Jack E. Haken, Reg. No. 26,902
Michael E. Marion, Reg. No. 32,266
Edward M. Blocker, Reg. No. 30,245

SEND CORRESPONDENCE TO: Corporate Patent Counsel;
U.S. Philips Corporation;
580 White Plains Road; Tarrytown, NY 10591

DIRECT TELEPHONE CALLS TO:
(name and telephone No.)
(914) 332-0222

Dated: May 1, 2001		Inventor's Signature: 	
Full Name of Inventor	Last Name KALKER	First Name Antonius	Middle Name Adrianus Cornelis Maria
Residence & Citizenship	City Eindhoven	State or Foreign Country The Netherlands	Country of Citizenship The Netherlands
Post-Office Address	Street Prof. Holstlaan 6	City 5656 AA Eindhoven	State or Country The Netherlands Zip Code
Dated: May 2, 2001		Inventor's Signature: 	
Full Name of Inventor	Last Name HORIKX	First Name Jeroen	Middle Name Jan Lambertus
Residence & Citizenship	City Eindhoven	State or Foreign Country The Netherlands	Country of Citizenship The Netherlands
Post Office Address	Street Prof. Holstlaan 6	City 5656 AA Eindhoven	State or Country The Netherlands Zip Code

Dated: May 3, 2001		Inventor's Signature: <i>Wim</i>	
Full Name of Inventor	Last Name COENE	First Name Willem	Middle Name Marie Julia Marcel
Residence & Citizenship	City Eindhoven	State or Foreign Country The Netherlands	Country of Citizenship Belgium
Post Office Address	Street Prof. Holstlaan 6	City 5656 AA Eindhoven	State or Country The Netherlands
Dated:		Inventor's Signature:	
Full Name of Inventor	Last Name	First Name	Middle Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Street	City	State or Country
Dated:		Inventor's Signature:	
Full Name of Inventor	Last Name	First Name	Middle Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Street	City	State or Country
Dated:		Inventor's Signature:	
Full Name of Inventor	Last Name	First Name	Middle Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
City	Street		State or Country
Inventor's Signature:			
Full Name of Inventor	Last Name	First Name	Middle Name
Residence & Citizenship	City	State or Foreign Country	Country or Citizenship
Post Office Address	Street	City	State or Country